

107TH CONGRESS
2D SESSION

H. CON. RES. 361

Directing the Clerk of the House of Representatives to make corrections
in the enrollment of the bill H.R. 2356.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2002

Mr. NEY submitted the following concurrent resolution; which was considered
and agreed to

CONCURRENT RESOLUTION

Directing the Clerk of the House of Representatives to make
corrections in the enrollment of the bill H.R. 2356.

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That in the enrollment of the bill (H.R. 2356)
3 to amend the Federal Election Campaign Act of 1971 to
4 provide bipartisan campaign reform, the Clerk of the
5 House of Representatives shall make the following correc-
6 tions:

7 (1) Amend section 103(b) to read as follows:

8 (b) BUILDING FUND EXCEPTION TO THE DEFINI-
9 TION OF CONTRIBUTION.—

1 (1) IN GENERAL.—Section 301(8)(B) of the
 2 Federal Election Campaign Act of 1971 (2 U.S.C.
 3 431(8)(B)) is amended—

4 (A) by striking clause (viii); and

5 (B) by redesignating clauses (ix) through
 6 (xv) as clauses (viii) through (xiv), respectively.

7 (2) NONPREEMPTION OF STATE LAW.—Section
 8 403 of such Act (2 U.S.C. 453) is amended—

9 (A) by striking “The provisions of this
 10 Act” and inserting “(a) IN GENERAL.—Subject
 11 to subsection (b), the provisions of this Act”;
 12 and

13 (B) by adding at the end the following:

14 “(b) STATE AND LOCAL COMMITTEES OF POLITICAL
 15 PARTIES.—Notwithstanding any other provision of this
 16 Act, a State or local committee of a political party may,
 17 subject to State law, use exclusively funds that are not
 18 subject to the prohibitions, limitations, and reporting re-
 19 quirements of the Act for the purchase or construction of
 20 an office building for such State or local committee.”.

21 (2) In section 304(f)(2)(E) of the Federal Elec-
 22 tion Campaign Act of 1971 (as added by section
 23 201(a) of the bill), strike “as defined in section
 24 1101(a)(2) of the Immigration and Nationality Act
 25 (8 U.S.C. 1101(a)(2))” and insert “(as defined in

1 section 101(a)(20) of the Immigration and Nation-
 2 ality Act (8 U.S.C. 1101(a)(20)))”.

3 (3) In section 316(c)(2) of the Federal Election
 4 Campaign Act of 1971 (as added by section 203(b)
 5 of the bill), strike “as defined in section 1101(a)(2)
 6 of the Immigration and Nationality Act (8 U.S.C.
 7 1101(a)(2))” and insert “(as defined in section
 8 101(a)(20) of the Immigration and Nationality Act
 9 (8 U.S.C. 1101(a)(20)))”.

10 (4) Amend section 212(b) to read as follows:

11 (b) TIME OF FILING OF CERTAIN STATEMENTS.—

12 (1) IN GENERAL.—Section 304(g) of such Act,
 13 as added by subsection (a), is amended by adding at
 14 the end the following:

15 “(4) TIME OF FILING FOR EXPENDITURES AG-
 16 GREGATING \$1,000.—Notwithstanding subsection
 17 (a)(5), the time at which the statement under para-
 18 graph (1) is received by the Commission or any
 19 other recipient to whom the notification is required
 20 to be sent shall be considered the time of filing of
 21 the statement with the recipient.”.

22 (2) CONFORMING AMENDMENTS.—(A) Section
 23 304(a)(5) of such Act (2 U.S.C. 434(a)(5)) is
 24 amended by striking “the second sentence of sub-
 25 section (c)(2)” and inserting “subsection (g)(1)”.

1 (B) Section 304(d)(1) of such Act (2 U.S.C.
 2 434(d)(1)) is amended by inserting “or (g)” after
 3 “subsection (c)”.

4 (5) In section 214(b), strike “the second sen-
 5 tence of section 402(c)” and insert “section
 6 402(c)(1)”.

7 (6) In section 313(a)(4) of the Federal Election
 8 Campaign Act of 1971 (as amended by section 301
 9 of the bill), insert “, without limitation,” after “for
 10 transfers”.

11 (7) In section 607(a)(2) of title 18, United
 12 States Code (as amended by section 302 of the bill),
 13 insert “not” after “imprisoned”.

14 (8) In section 301(25) of the Federal Election
 15 Campaign Act of 1971 (as added by section 304(c)
 16 of the bill), strike “The term” and insert “For pur-
 17 poses of sections 315(i) and 315A and paragraph
 18 (26), the term”.

19 (9) Amend section 402 to read as follows:

20 **SEC. 402. EFFECTIVE DATES AND REGULATIONS.**

21 (a) GENERAL EFFECTIVE DATE.—

22 (1) IN GENERAL.—Except as provided in the
 23 succeeding provisions of this section, the effective

1 date of this Act, and the amendments made by this
2 Act, is November 6, 2002.

3 (2) MODIFICATION OF CONTRIBUTION LIM-
4 ITS.—The amendments made by—

5 (A) section 102 shall apply with respect to
6 contributions made on or after January 1,
7 2003; and

8 (B) section 307 shall take effect as pro-
9 vided in subsection (e) of such section.

10 (3) SEVERABILITY; EFFECTIVE DATES AND
11 REGULATIONS; JUDICIAL REVIEW.—Title IV shall
12 take effect on the date of enactment of this Act.

13 (4) PROVISIONS NOT TO APPLY TO RUNOFF
14 ELECTIONS.—Section 323(b) of the Federal Election
15 Campaign Act of 1971 (as added by section 101(a)),
16 section 103(a), title II, sections 304 (including sec-
17 tion 315(j) of Federal Election Campaign Act of
18 1971, as added by section 304(a)(2)), 305 (notwith-
19 standing subsection (c) of such section), 311, 316,
20 318, and 319, and title V (and the amendments
21 made by such sections and titles) shall take effect on
22 November 6, 2002, but shall not apply with respect
23 to runoff elections, recounts, or election contests re-
24 sulting from elections held prior to such date.

1 (b) SOFT MONEY OF NATIONAL POLITICAL PAR-
2 TIES.—

3 (1) IN GENERAL.—Except for subsection (b) of
4 such section, section 323 of the Federal Election
5 Campaign Act of 1971 (as added by section 101(a))
6 shall take effect on November 6, 2002.

7 (2) TRANSITIONAL RULES FOR THE SPENDING
8 OF SOFT MONEY OF NATIONAL POLITICAL PAR-
9 TIES.—

10 (A) IN GENERAL.—Notwithstanding sec-
11 tion 323(a) of the Federal Election Campaign
12 Act of 1971 (as added by section 101(a)), if a
13 national committee of a political party described
14 in such section (including any person who is
15 subject to such section under paragraph (2) of
16 such section), has received funds described in
17 such section prior to November 6, 2002, the
18 rules described in subparagraph (B) shall apply
19 with respect to the spending of the amount of
20 such funds in the possession of such committee
21 as of such date.

22 (B) USE OF EXCESS SOFT MONEY
23 FUNDS.—

24 (i) IN GENERAL.—Subject to clauses

25 (ii) and (iii), the national committee of a

1 political party may use the amount de-
2 scribed in subparagraph (A) prior to Janu-
3 ary 1, 2003, solely for the purpose of—

4 (I) retiring outstanding debts or
5 obligations that were incurred solely
6 in connection with an election held
7 prior to November 6, 2002; or

8 (II) paying expenses or retiring
9 outstanding debts or paying for obli-
10 gations that were incurred solely in
11 connection with any runoff election,
12 recount, or election contest resulting
13 from an election held prior to Novem-
14 ber 6, 2002.

15 (ii) PROHIBITION ON USING SOFT
16 MONEY FOR HARD MONEY EXPENSES,
17 DEBTS, AND OBLIGATIONS.—A national
18 committee of a political party may not use
19 the amount described in subparagraph (A)
20 for any expenditure (as defined in section
21 301(9) of the Federal Election Campaign
22 Act of 1971 (2 U.S.C. 431(9))) or for re-
23 tiring outstanding debts or obligations that
24 were incurred for such an expenditure.

1 (iii) PROHIBITION OF BUILDING FUND
 2 USES.—A national committee of a political
 3 party may not use the amount described in
 4 subparagraph (A) for activities to defray
 5 the costs of the construction or purchase of
 6 any office building or facility.

7 (c) REGULATIONS.—

8 (1) IN GENERAL.—Except as provided in para-
 9 graph (2), the Federal Election Commission shall
 10 promulgate regulations to carry out this Act and the
 11 amendments made by this Act that are under the
 12 Commission’s jurisdiction not later than 270 days
 13 after the date of enactment of this Act.

14 (2) SOFT MONEY OF POLITICAL PARTIES.—Not
 15 later than 90 days after the date of enactment of
 16 this Act, the Federal Election Commission shall pro-
 17 mulgate regulations to carry out title I of this Act
 18 and the amendments made by such title.

19 (10) Add at the end of section 403 the fol-
 20 lowing:

21 (c) CHALLENGE BY MEMBERS OF CONGRESS.—Any
 22 Member of Congress may bring an action, subject to the
 23 special rules described in subsection (a), for declaratory
 24 or injunctive relief to challenge the constitutionality of any
 25 provision of this Act or any amendment made by this Act.

1 (d) APPLICABILITY.—

2 (1) INITIAL CLAIMS.—With respect to any ac-
3 tion initially filed on or before December 31, 2006,
4 the provisions of subsection (a) shall apply with re-
5 spect to each action described in such section.

6 (2) SUBSEQUENT ACTIONS.—With respect to
7 any action initially filed after December 31, 2006,
8 the provisions of subsection (a) shall not apply to
9 any action described in such section unless the per-
10 son filing such action elects such provisions to apply
11 to the action.

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